

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF TENNESSEE AT KNOXVILLE**

ALBERTA LOUISE PERRY, surviving spouse  
and next kin of VINCENT MCKINNEY,  
deceased,

Plaintiff,

v.

No. 3:22-cv-00132-KAC-JEM  
JURY DEMAND

NUCOR INSULATED PANEL GROUP, INC.,  
d/b/a METL-SPAN,

Defendants.

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**PLAINTIFF'S MOTION TO CONSOLIDATE**

Plaintiff, Alberta Louise Perry, surviving spouse and next kin of Vincent McKinney, deceased, by and through her undersigned counsel, hereby moves this Court for an Order Consolidating Case No. 3:21-cv-00414 with Case No. 3:22-cv-00132. As grounds, Plaintiff shows to the Court the following:

1. In Case No. 3:21-cv-00414, Defendant Jenkins & Stiles, LLC identified Metl-Span as a potential defendant in its Answer to Plaintiff's Amended Complaint (Case No. 3:21-cv-00414, D.E. 15).

2. Plaintiff filed a Second Amended Complaint in that case naming NCI Group, Inc., d/b/a Metl-Span ("NCI Group") as a defendant (Case No. 3:21-cv-00414, D.E. 29).

3. In a March 29, 2022 email from Counsel for Nucor Insulated Panel Group, Inc. ("Nucor"), attached hereto as Exhibit "A", Plaintiff's Counsel was informed Nucor purchased the Metl-Span business line and brand from NCI Group in 2021.

4. On April 13, 2022, Plaintiff filed a new action pursuant to Tenn. Code Ann. § 20-1-119 (“Savings Statute”) against Nucor. The claims against Nucor involve allegations of wrongful death brought by Plaintiff and arise from the same occurrence as in Case No. 3:21-cv-00414.

5. Under Fed.R.Civ.P. 42, where actions before a court, “involve a common question of law or fact, the court may: (1) join for hearing or trial any or all matters at issue in the actions; (2) consolidate the action.” Here, it is submitted it is in the interests of judicial economy and all parties will benefit from a single, consolidated case for scheduling, discovery and should relieve witnesses of the need to attend multiple depositions. Consolidation of the cases for discovery and pre-trial proceedings will decrease the burdens on the parties and witnesses, reduce expenses, and promote judicial economy.

Wherefore, Plaintiff respectfully requests the Court enter an order consolidating Case No. 3:22-cv-00132 with Case No. 3:21-cv-00414.

Respectfully submitted,

**THE LAW FIRM FOR TRUCK SAFETY, LLP**

/s/Matthew E. Wright

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*Attorneys for Plaintiff*  
**ALBERTA LOUISE PERRY**  
*next kin and surviving spouse of*  
*Vincent McKinney, deceased*

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served via the Court's ECF filing system to the following:

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On May 16, 2022.

/s/ Matthew E. Wright  
Matthew E. Wright